

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARIGNA TECHNOLOGY LIMITED,

Plaintiff,

V.

VOLKSWAGEN AG, VOLKSWAGEN
GROUP OF AMERICA, INC.,
BAYERISCHE MOTOREN WERKE AG,
BMW OF NORTH AMERICA, LLC,
DAIMLER AG, MERCEDES-BENZ USA,
LLC, NISSAN MOTOR COMPANY, LTD.,
NISSAN NORTH AMERICA, INC.,
TESLA, INC., TESLA MOTORS TX, INC.,
TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA,
INC., GENERAL MOTORS LLC, ADC
AUTOMOTIVE DISTANCE CONTROL
SYSTEMS GMBH, CONTI TEMIC
MICROELECTRONIC GMBH,
CONTINENTAL AG,

Defendants.

[illegible]

CASE NO. 2:21-CV-00054-JRG-RSP

ORDER

The Court issues this Order *sua sponte*. The Court previously stayed the above-captioned case pending the Federal Circuit’s guidance on venue-related disputes common to Defendants BMW of North America, LLC (“BMW NA”), Mercedes-Benz USA, LLC (“MBUSA”), and Volkswagen Group of America, Inc. (“VWoA”) at issue in this case and in other co-pending cases on the Court’s docket. (*See* Dkt. Nos. 138, 213, 230, 464; Case No. 2:21-cv-00172-JRG, Dkt. Nos. 25, 56, 179; Case No. 2:22-cv-00034-JRG, Dkt. No. 1). The Federal Circuit issued its opinion regarding substantially similar venue-related issues then pending in the Western District of Texas on March 9, 2022. *In re Volkswagen Grp. Of Am., Inc.*, 28 F.4th 1203 (Fed. Cir. 2022) (“*In re*

Volkswagen”). In the co-pending cases, Plaintiff Arigna Technologies Limited (“Arigna”) and Defendants BMW NA as well as other venue-contestants filed Joint Status Reports on March 16 and 17, 2022 setting forth their positions regarding the effect of *In re Volkswagen* on the overlapping venue disputes. (Case No. 2:21-cv-00172-JRG, Dkt. No. 185; Case No. 2:22-cv-00034-JRG, Dkt. No. 16).


In light of the Federal Circuit’s guidance and the Joint Status Reports filed regarding the same, the Court **ORDERS** that the stay in the above-captioned case should be and hereby is **LIFTED**. Further, the Court notes that the Federal Circuit has issued precedential guidance related to venue issues targeted solely to the subset of defendants in this case contesting Arigna’s assertions that venue is proper under 28 U.S.C. § 1400(b) based on the purported agency relationships between those defendants and their respective exclusive dealerships within this District. (*See generally In re Volkswagen*, 28 F.4th at 1203). Given the nature of such guidance, the Court **ORDERS** that the claims between Arigna and the venue-contesting defendants (to wit: BMW NA, Bayerische Motoren Werke AG, MBUSA, Daimler AG, VWoA, and Volkswagen AG) shall remain in this case for further consideration, while the claims between Arigna and the non-venue-contesting defendants (to wit: Nissan Motor Company, Ltd., Nissan North America, Inc., Tesla, Inc., Tesla Motors TX, Inc., Toyota Motor Corporation, Toyota Motor North America, Inc., General Motors LLC, ADC Automotive Distance Control Systems GmbH, Conti Temic microelectronic GmbH, and Continental AG) shall be severed into a separate action for further proceedings.

Accordingly, the Court **SEVERES** all claims between Arigna and Defendants Nissan Motor Company, Ltd., Nissan North America, Inc., Tesla, Inc., Tesla Motors TX, Inc., Toyota Motor Corporation, Toyota Motor North America, Inc., General Motors LLC, ADC Automotive Distance

Control Systems GmbH, Conti Temic microelectronic GmbH, and Continental AG (collectively, the “Severed Defendants”) from the Case No. 2:21-cv-00054-JRG-RSP. The Clerk of the Court shall open a new case number into which all claims between Arigna and the Severed Defendants shall be moved. The Court **ORDERS** that Arigna and the Severed Defendants file a Joint Proposed Docket Control Order in the new case within five (5) days of this Order setting forth an updated suggestion of deadlines in light of this Order.

The claims between Arigna and the venue-contesting Defendants—BMW NA, Bayerische Motoren Werke AG, MBUSA, Daimler AG, VWoA, and Volkswagen AG—shall remain in Case No. 2:21-cv-00054-JRG-RSP for further consideration unaffected by such severance.

So ORDERED and SIGNED this 27th day of April, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE